

SENATE BILL 140

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2003 Regular Session
(3l0763)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Chairman, Judicial Proceedings Committee (Maryland
Judicial Conference)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Courts - Subsequent Injury Fund - Effect of Impleading in Workers'**
3 **Compensation Appeal**

4 FOR the purpose of limiting a requirement of mandatory suspension of further
5 proceedings in a workers' compensation appeal in a circuit court *or the Court of*
6 *Special Appeals* and remand of a case to the Workers' Compensation
7 Commission if an impleader of the Subsequent Injury Fund is filed to
8 circumstances in which the impleader is filed within a certain time; authorizing
9 a circuit court *or the Court of Special Appeals*, for good cause shown, to suspend
10 further proceedings in a workers' compensation appeal and remand a case to the
11 Commission if an impleader of the Fund is filed ~~under certain circumstances;~~
12 ~~providing certain exceptions, to a requirement of mandatory suspension of~~
13 ~~further proceedings in a workers' compensation appeal in the Court of Special~~
14 ~~Appeals and remand of a case to the Commission if an impleader of the Fund is~~
15 ~~filed, for an impleader filed in bad faith or without substantial justification~~ *less*
16 *than a certain number of days before a certain trial or a certain hearing;*

1 providing for the application of this Act; and generally relating to altering
 2 certain requirements concerning impleading the Fund on a workers'
 3 compensation appeal in a circuit court or the Court of Special Appeals.

4 BY repealing and reenacting, with amendments,
 5 Article - Labor and Employment
 6 Section 9-807(b)
 7 Annotated Code of Maryland
 8 (1999 Replacement Volume and 2002 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Labor and Employment**

12 9-807.

13 (b) (1) The Subsequent Injury Fund may be impleaded at any stage of the
 14 proceedings:

15 (i) before the Commission; or

16 (ii) on appeal.

17 (2) If the Subsequent Injury Fund is impleaded on appeal before a circuit
 18 court ~~for the Court of Special Appeals~~, the court [shall]:

19 (i) AS TO AN IMPLADER FILED AT LEAST ~~90~~ 60 DAYS BEFORE THE
 20 SCHEDULED TRIAL IN THE CIRCUIT COURT OR AT LEAST 60 DAYS BEFORE THE
 21 HEARING IN THE COURT OF SPECIAL APPEALS, SHALL:

22 1. suspend further proceedings; and

23 [(ii)] 2. remand the case to the Commission for further
 24 proceedings to give the Subsequent Injury Fund an opportunity to defend against the
 25 claim; AND

26 (II) AS TO AN IMPLADER FILED AT ANY OTHER TIME LESS THAN 60
 27 DAYS BEFORE THE TRIAL IN THE CIRCUIT COURT OR LESS THAN 60 DAYS BEFORE
 28 THE HEARING IN THE COURT OF SPECIAL APPEALS, MAY FOR GOOD CAUSE SHOWN:

29 1. SUSPEND FURTHER PROCEEDINGS; AND

30 2. REMAND THE CASE TO THE COMMISSION FOR FURTHER
 31 PROCEEDINGS TO GIVE THE SUBSEQUENT INJURY FUND AN OPPORTUNITY TO
 32 DEFEND AGAINST THE CLAIM.

33 ~~(3) IF THE SUBSEQUENT INJURY FUND IS IMPLEADED ON APPEAL~~
 34 ~~BEFORE THE COURT OF SPECIAL APPEALS AND UNLESS THE COURT FINDS THAT THE~~

1 ~~IMPLEADER WHO FILED IN BAD FAITH OR WITHOUT SUBSTANTIAL JUSTIFICATION,~~
2 ~~THE COURT SHALL:~~

3 (I) ~~SUSPEND FURTHER PROCEEDINGS; AND~~

4 (H) ~~REMAND THE CASE TO THE COMMISSION FOR FURTHER~~
5 ~~PROCEEDINGS TO GIVE THE SUBSEQUENT INJURY FUND AN OPPORTUNITY TO~~
6 ~~DEFEND AGAINST THE CLAIM.~~

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
8 construed to apply only prospectively and may not be applied or interpreted to have
9 any effect on or application to any appeal filed before the effective date of this Act.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect October 1, 2003.